

[5th February 1925]

**Political.***The stipend of Mr. Abdul Lateef Farookhi, a Carnatic stipendiary.*

\* 106 Q.—Mr. S. SATYAMURTI: Will the hon. the Home Member be pleased to state—

(a) whether his attention has been drawn to the statement of Mr. Abdul Lateef Farookhi, a Carnatic stipendiary, regarding the circumstances under which his stipend has been withheld by him (vide *Hindu* of the 25th November 1924, page 3);

(b) whether the facts stated therein are correct; and

(c) whether the Government will now reconsider the matter and allow the stipend?

A.—(a) Yes.

(b) The statements so far as they relate to matters within the cognizance of the Government are generally correct so far as they go.

(c) The Government find nothing in the communication to the newspapers which would suggest a reconsideration of the orders already in force.

Mr. S. SATYAMURTI:—"Sir, I am speaking from memory and the hon. the Home Member will please correct me if I am wrong. I believe Mr. Farookhi, in his letter to the *Hindu*, stated that he had taken no part in any of the activities directed against the authority of the Government. In view of that statement which is said to be generally correct by the Government, may I ask the reason why they will not reconsider the orders passed already?"

The hon. Sir ARTHUR KNAPP:—"I have read the letter referred to by my hon. Friend but I do not find any statement to the effect that he did not take any part in any activity directed against the authority of the Government. The hon. Member stated that the Government agreed that the facts as stated in the letter were correct. The answer of the Government is that 'the statements so far as they relate to matters within the cognizance of the Government are generally correct so far as they go.' I have been advisedly careful in my statement. As matters stand we can find nothing in the letter to alter the position we took up on the resolution proposing the restoration of the pension which was withdrawn after full discussion a month or two ago."

Mr. S. SATYAMURTI:—"May I have some idea of what Government expect of him, before they make up their minds on the question of revising the orders already passed? He has already stated in his letter that he did not take any part in any of the activities directed against the authority of the Government."

The hon. Sir ARTHUR KNAPP:—"Does the hon. Member suggest that a letter written to a newspaper in Madras is an indication on which Government should be prepared to act? If he has any representations to make, let him do so to the Government. It cannot be suggested that, because he has written a letter to the newspaper, that should be regarded as *approaching* Government for a reconsideration of his case."



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The hon. the PRESIDENT :—"I was going to say that it was irrelevant to refer to a statement made in the newspaper as equivalent to a statement made to Government. I would not allow that. I thought that some statement had been made to Government."

Mr. S. SATYAMURTI :—"Sir, may I know the Rule or Standing Order under which I should not refer to a statement made in the newspaper as a statement which Government can take cognizance of?"

The hon. the PRESIDENT :—"It has been ruled by my predecessor that statements made in newspapers should not be referred to in questions. The hon. Member may make that statement his own and ask questions on it."

Mr. S. SATYAMURTI :—"One submission, Sir. I was attending the meetings of the Legislative Assembly for a whole week. Questions of the type, 'whether the attention of the Government has been drawn to a letter in the *Forward*, the *Pioneer* or the *Statesman*' are asked and they are fully answered by Government. Sir Frederick Whyte is the best Parliamentary authority in India to-day and he thinks that it is relevant to refer to such statements in the newspapers. There is no Rule or Standing Order which forbids such references. I submit that the President has no right to make an *obiter dictum* in the course of a ruling and tie our hands. I shall send the file of questions in the Assembly where such references occur and which are fully answered. You may take time to look into the matter and I shall also submit my observations. In the meanwhile to insist that we should prove every allegation made in the newspaper is really asking too much of us."

The hon. the PRESIDENT :—"I do not say that hon. Members must prove every allegation made in the newspaper. I shall certainly consider the matter. We have been hitherto enforcing this rule in practice, but we shall certainly reconsider it. It is not the case that hon. Members are required to prove the statements made in newspaper. They are only required not to refer to statements made in the newspapers as such. If necessary they may make themselves responsible for such allegations and ask Government for any information."

Mr. S. SATYAMURTI :—"May I know the exact phrase that fell from your lips? Is it that we should make ourselves responsible for such allegations and ask for information?"

The hon. the PRESIDENT :—"I have already said that I shall devote some time to consider the matter again and that will be the proper time to raise such questions."

The hon. Sir ARTHUR KNAPP :—"May I answer the particular point which my hon. Friend raised? I can best illustrate my position by referring to the debate on the subject which took place on the 19th November—

'Khan Bahadur P. KHALIF-UL-LAH SAHIB :—"May I take it that Government will restore the stipend if the gentleman says that he did not interfere with non-co-operation but he only took his legitimate share in the Khilafat movement which is a purely religious movement?"

'The hon. Sir ARTHUR KNAPP :—"If the gentleman in question approaches the proper authority, it is quite conceivable in the present circumstances that an assurance can be obtained from him which will satisfy the Government."

"My point at present is that he has not approached the proper authority. I do not think the House will consider it reasonable that because he has written a letter to a newspaper in Madras that should be treated as an approach to the proper authority."



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Mr. P. ANJANEYALU :—" May I know, Sir, whether this gentleman is to put in an apology to the Government or simply make a request to the Government? "

The hon. Sir ARTHUR KNAPP :—" The expression I used is, ' approaches the proper authority ', and that gives the gentleman in question a good deal of latitude as to the line he should adopt "

### Civil Justice.

#### *Public Prosecutor of Cuddapah.*

\* 107 Q.—Rai Bahadur T. M. NARASIMHACHARLU: Will the hon. the Law Member be pleased to state—

(a) whether the Government considered the case of any other persons or applicants to the post of Public Prosecutor and Government Pleader of Cuddapah district before they appointed the previous incumbent once again to the post ;

(b) whether the Government called upon the District Magistrate to report if any other proper person was not available for the post ;

(c) whether the Government were satisfied about the fitness of the present incumbent in every respect before he was appointed again to the post ;

(d) whether the District Superintendent of Police was consulted before the present incumbent was again appointed ; and

(e) whether it is not the declared policy of the Government to appoint other suitable proper persons, if available, instead of continuing the same person in office ?

A.—(a) No.

(b) Does not arise.

(c) Yes.

(d) The Government have no information.

(e) The Government deprecate the constant renewal of the terms of Government Pleaders and Public Prosecutors.

Rai Bahadur T. M. NARASIMHACHARLU :—" With reference to the answer to clause (e), how many renewals must there be for it to be considered constant and worthy of deprecation? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" There is no definite rule. Generally after two terms Government deprecate renewal for a further term in the case of Public Prosecutors and Government Pleaders."

Mr. A. RANGANATHA MUDALIYAR :—" Has the District Superintendent of Police any share in the choice of the person? "

The hon. Mr. C. P. RAMASWAMI AYYAR :—" Government ask for information and advice from the District Judge and the District Magistrate and nobody else."

Mr. S. SATYAMURTI :—" Will the hon. the Law Member require that hereafter District Magistrates must not consult the District Superintendent of Police before making recommendations? "